

## §217.76

(c) Holders of Letters of Authorization must conduct additional monitoring as required under an annual Letter of Authorization.

(d) Holders of Letters of Authorization must submit a report to the Alaska Region Administrator, NMFS, within 90 days after each launch. This report must contain the following information:

- (1) Date(s) and time(s) of the launch;
- (2) Location of camera system and acoustic recorders (if used);
- (3) Design of the monitoring program and a description of how data is stored and analyzed; and
- (4) Results of the monitoring program, including, but not necessarily limited to:

- (i) Numbers of pinnipeds, by species and age class (if possible), present on the haulout prior to commencement of the launch;

- (ii) Numbers of pinnipeds, by species and age class (if possible), that may have been harassed, including the number that entered the water as a result of launch noise;

- (iii) The length of time pinnipeds remained off the haulout during post-launch monitoring;

- (iv) Number of harbor seal pups that may have been injured or killed as a result of the launch; and

- (v) Other behavioral modifications by pinnipeds that were likely the result of launch noise.

- (5) Results of sound pressure and sound exposure level monitoring will be reported in flat weighted, A-weighted, and peak measurements.

(e) An annual report must be submitted at the time of request for a renewal of the Letter of Authorization; it will include results of the aerial quarterly trend counts of pinnipeds at Ugak Island.

(f) A final report must be submitted at least 90 days prior to expiration of these regulations if new regulations are sought or 180 days after expiration of regulations. This report will:

- (1) Summarize the activities undertaken and the results reported in all previous reports;

- (2) Assess the impacts of launch activities on pinnipeds within the action area, including potential for pup injury and mortality; and

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(3) Assess the cumulative impacts on pinnipeds and other marine mammals from multiple rocket launches.

### §217.76 Letter of Authorization.

(a) A Letter of Authorization, unless suspended or revoked, will be valid for a period of time specified in the Letter of Authorization, but a Letter of Authorization may not be valid beyond the effective period of the regulations.

(b) A Letter of Authorization with a period of validity less than the effective period of the regulations in this subpart may be renewed subject to renewal conditions in §217.76.

(c) A Letter of Authorization will set forth:

- (1) The number of marine mammals, by species and age class, authorized to be taken;

- (2) Permissible methods of incidental taking;

- (3) Specified geographical region;

- (4) Means of effecting the least practicable adverse impact on the species of marine mammals authorized for taking and its habitat; and

- (5) Requirements for monitoring and reporting incidental takes.

(d) Issuance of a Letter of Authorization will be based on a determination that the total taking by the activity as a whole will have no more than a negligible impact on the affected species or stocks of marine mammal(s).

(e) Notice of issuance or denial of a Letter of Authorization will be published in the FEDERAL REGISTER within 30 days of a determination.

### §217.77 Renewal of a Letter of Authorization and adaptive management.

(a) A Letter of Authorization issued under §216.106 of this chapter and §217.76 for the activity identified in §217.70(a) will be renewed annually upon:

- (1) Notification to NMFS that the activity described in the application for a Letter of Authorization submitted under §217.76 will be undertaken and that there will not be a substantial modification to the described activity, mitigation, or monitoring undertaken during the upcoming season;

- (2) Timely receipt of and acceptance by NMFS of the monitoring reports required under §217.75;